

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
DIVISION 70  
THE HONORABLE WILLIAM F. MAUER, SENIOR JUDGE

STATE OF MISSOURI,

Plaintiff,

v.

No. CR03-06321

KEITH L. CARNES,

Defendant.

TRIAL TRANSCRIPT EXCERPT  
TESTIMONY OF WENDY LOCKETT  
APRIL 20, 2005

On Wednesday, April 20, 2005, the above cause came on for hearing before THE HONORABLE WILLIAM F. MAUER, Senior Judge of the Jackson County Circuit Court at Kansas City, Missouri.

APPEARANCES

For the Plaintiff:

MS. DAWN M. PARSONS  
Prosecuting Attorney's Office  
16th Judicial Court of Missouri  
Jackson County Courthouse, 11th Floor  
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Kansas City, MO 64106

For the Defendant:

MR. WILLIS L. TONEY  
Attorney at Law  
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WENDY LOCKETT

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STATE'S EXHIBITS

No exhibits were received during this testimony.

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**Exhibit Z (Lockett's  
April 2005 testimony**

(The following proceedings were had in open court on Wednesday, April 20, 2005, after the jury recessed at 10:18 a.m.)

THE COURT: Mr. Toney and Miss Parsons. (Counsel approached the bench and the following proceedings were had in the presence of the defendant.)

THE COURT: How long is it going to take you to interview this witness?

10:18AM MR. TONEY: Well, I don't know, Judge. I've never seen her, so I'm going to go and try to talk to her now.

THE COURT: Well, just keep in mind we've got the jury upstairs.

MR. TONEY: I'll do my best, Judge.

THE COURT: As fast as you can.

MR. TONEY: All right.

(A recess was taken at 10:19. The following proceedings were had in court at 10:19AM out of the presence of the jury.)

THE COURT: Mr. Toney?

MR. TONEY: Your Honor, I want to renew my objection to exclude the witness. I talked to her and in the course of talking to her, she identified that there was possibly another person who was out

3

there who could be a potential witness to have seen this.

THE COURT: Who was it?

MR. TONEY: A person by the name of Red, who she said was also out there, which in the normal course of things if I had been able to talk to her before today, we would have went out into the neighborhood, trying to find who that other person was, because that person may have said something different than what she said.

I'm not in the position of being able to do that on the third day of the trial at the last minute, so I'd be stuck with just having to go and cross-examine her on what she just told me this morning without any ability to find the other witness she identified that could possibly offer impeachment testimony.

MS. PARSONS: Your Honor, Ms. Lockett made a statement October the 14th, 2003, where she identified a person she knew as Red as with her, so Mr. Toney has had the information regarding this gentleman named Red since the time he picked up discovery. The State doesn't know who Red is, but it's not a surprise to him today, April 20th.

THE COURT: Very well. Overruled. Let's

4

1 proceed.

2 MR. TONEY: Please note the objection for  
3 the record, Your Honor.

4 THE COURT: I think she took it down.  
5 I'm pretty sure she took it down.

6 *(The following proceedings were had in open*  
7 *court at 10:48 a.m. in the presence of the jury.)*

8 THE COURT: Call your next witness,  
9 Miss Parsons.

10 MS. PARSONS: Thank you, Your Honor.  
11 State calls Miss Wendy Lockett to the stand.  
12 Miss Lockett.

**WENDY LOCKETT**

14 having been sworn by the Court, testified:

**DIRECT EXAMINATION**

**BY MS. PARSONS:**

17 Q. Good morning.

18 A. **Good morning.**

19 Q. Would you introduce yourself to the ladies and  
20 gentlemen of the jury?

21 A. **My name is Wendy Lockett.**

22 Q. Wendy, are you incarcerated right now?

23 A. **Yes.**

24 Q. Where are you incarcerated at?

25 A. **MCI.**

5

1 Q. What is that, MCI?

2 A. **Municipal Correctional Institution.**

3 Q. What are you there for?

4 A. **For some traffic tickets, probation violations.**

5 Q. Is that the city jail?

6 A. **Yes.**

7 Q. How old are you?

8 A. **Forty-one.**

9 Q. And since we are talking about some of your  
10 convictions, I want to talk to you about your state  
11 convictions. Have you been to prison in the past?

12 A. **Yes.**

13 Q. In fact, you've been to prison for stealing in 1986?  
14 Is that correct?

15 A. **Yes.**

16 Q. And for sale in 1989, the sale of drugs?

17 A. **Yes.**

18 Q. For sale in 1996?

19 A. **Correct.**

20 Q. And then last year you just did 120 days for  
21 possession? Is that correct?

22 A. **That's true.**

23 Q. You also had a Kansas stealing where you did  
24 eight months over there in Kansas? Is that correct?

25 A. **Yes.**

6

1 Q. You also have a pending case in Jackson County for  
2 tampering, which is a car theft? Is that right?

3 A. **Yes.**

4 Q. And nothing is going on with that right now?

5 A. **No.**

6 Q. It's pending?

7 A. **It's just pending.**

8 Q. Okay. Let's go to why we're here. Do you know the  
9 defendant, Keith Carnes?

10 A. **Yes.**

11 Q. What do you know him as?

12 A. **I know him as Tre.**

13 Q. And how do you know Keith Carnes, "Tre"?

14 A. **Through business transactions.**

15 Q. And what kind of business transactions?

16 A. **Drug transactions.**

17 Q. Okay. Did you buy from him or did he buy from you?

18 A. **I bought from him.**

19 Q. Okay, and how long have you known Tre?

20 A. **For about four years.**

21 Q. Okay, and does he look different to you in the  
22 courtroom today?

23 A. **No, not really. Just missing his patch.**

24 Q. And when you say that he's missing his patch,  
25 what are you talking about?

7

1 A. **He wore a patch, an eye patch.**

2 Q. An eye patch?

3 A. **Uh-huh.**

4 Q. Is that a yes?

5 A. **Yes. I'm sorry.**

6 Q. You have to say yes or no--

7 A. **Okay.**

8 Q. --so the record picks it up.

9 When you interacted with Tre in the past, did he  
10 always wear his eye patch?

11 A. **Yes.**

12 Q. Okay. I want to go to October of 2003. All right?

13 A. **Okay.**

14 Q. Where were you living in October of 2003?

15 A. **On Park, on 29th and Park.**

16 Q. Okay. Are you familiar with the area of 29th and  
17 Olive, 29th and Wabash?

18 A. **Yes.**

19 Q. How are you familiar with that area?

20 A. **It's a drug area. It's where we hung out, sold  
21 drugs, did a little bit of everything.**

22 Q. Okay. Did you grow up in that area?

23 A. **No, not in that particular area, but north, yes,  
24 I did.**

25 Q. Okay, and you consider that north?

8

1 A. **Yes.**  
 2 Q. Okay. Do you know Larry White?  
 3 A. **Yes.**  
 4 Q. How do you know him?  
 5 A. **Just a kid, you know, being out, trying to do some**  
 6 **things.**  
 7 Q. What does he do?  
 8 A. **He sold a little drugs.**  
 9 Q. Do you know if Larry was from around there?  
 10:52AM 10 A. **Yes. That's where he was born and raised.**  
 11 Q. Okay, and what about Tre? Was he from around there?  
 12 A. **No.**  
 13 Q. Okay. Where did Tre hang out at?  
 14 A. **Truthfully speaking, I really don't know, but I know**  
 15 **he's from the 39th Street area.**  
 16 Q. Okay. Where did you see him? Well, let me back up.  
 17 Did you ever see him in that area, 29th and Olive?  
 18 A. **Yes.**  
 19 Q. Where?  
 10:52AM 20 A. **In the buildings.**  
 21 Q. What were they doing there?  
 22 A. **Selling dope.**  
 23 Q. Did anybody live there?  
 24 A. **In the house or the buildings?**  
 25 Q. The buildings.

9

1 A. **Yes. The apartment.**  
 2 Q. Okay. Where they hung out at, where they took you,  
 3 do you remember which apartment they sold out of?  
 4 A. **Yeah. Yes.**  
 5 Q. Okay. I'm going to show you what has been marked  
 6 for identification and admitted into evidence as--  
 7 Well, I've got to find the number. I'll put it up  
 8 on the screen, State's Exhibit 27. Do you recognize  
 9 those buildings?  
 10:53AM 10 A. **Yes.**  
 11 Q. What are those buildings of?  
 12 A. **Those were the buildings that was on 29th and Olive.**  
 13 **Olive, Wabash.**  
 14 Q. Okay, and what happened in those buildings?  
 15 A. **Sold dope out of the buildings.**  
 16 Q. Okay. Is that where you bought dope from Tre,  
 17 the defendant?  
 18 A. **Yes.**  
 19 Q. I have a pointer. It's a laser pointer.  
 20 A. **Uh-huh.**  
 21 Q. If you press this red button, you can point out  
 22 which apartment he sold out of. Just press it like  
 23 that. Okay?  
 24 A. **That one (indicating).**  
 25 Q. All right. How long had you been buying drugs from

10

1 him out of that apartment, if you can remember?  
 2 A. **Oh, I can't remember exactly how long, but it was,**  
 3 **estimating, six, seven, eight months, something like**  
 4 **that.**  
 5 Q. Okay. I want to go to October 6th of 2003. Do you  
 6 remember that day?  
 7 A. **Yes.**  
 8 Q. That day what were you doing?  
 9 A. **Hanging out.**  
 10:54AM 10 Q. What does "hanging out" mean?  
 11 A. **Talking shit. Selling dope.**  
 12 Q. Okay, and where were you hanging out at?  
 13 A. **On the corner.**  
 14 Q. And you're looking at State's 27. If you could, use  
 15 the pointer again to show us where you were hanging  
 16 out.  
 17 A. **Right there.**  
 18 Q. Who else was with you?  
 19 A. **Me. Dollar Bill. Red was out there with me.**  
 10:54AM 20 Q. Dollar Bill, is that Felicia Jones?  
 21 A. **Yeah, that's Felecia Jones. Larry was also there.**  
 22 Q. What was Larry doing?  
 23 A. **We was all just standing there talking shit.**  
 24 **Selling dope is what we was doing.**  
 25 Q. Okay. Were you?

11

1 A. **Yeah, I was at that particular time. Yes, I was.**  
 2 Q. Had you done any serves that day like right around  
 3 this time? Had you served anyone?  
 4 A. **Around this time of day?**  
 5 Q. Yes.  
 6 A. **Yeah.**  
 7 Q. Okay. Had you smoked any crack on the 6th?  
 8 A. **Yeah, earlier. Way earlier.**  
 9 Q. Way earlier in the morning?  
 10:55AM 10 A. **In the morning, yeah.**  
 11 Q. Where did you get that crack from?  
 12 A. **From the buildings. I bought it from the buildings.**  
 13 Q. Do you know who you bought it from?  
 14 A. **Yes. I bought it from Tre.**  
 15 Q. Okay. So you're there. I want to take you to about  
 16 8:30, nine o'clock. You're hanging out on the  
 17 corner? Is that correct?  
 18 A. **Yes.**  
 19 Q. As you're hanging out on the corner, what happens?  
 10:55AM 20 A. **A few words was passed. Some arguing was being**  
 21 **done.**  
 22 Q. Between who?  
 23 A. **Between Tre and Larry arguing about him not being**  
 24 **able to stand on the corner or people in general not**  
 25 **being able to stand on the corner and serve dope.**

12

1 Q. Let me stop you there. If you can remember, can you  
 2 remember specifically what Tre said to Larry?  
 3 A. **That he couldn't be standing on the corner selling**  
 4 **dope.**  
 5 Q. Okay. Then what happened?  
 6 A. **Words was passed and shots was fired.**  
 7 Q. Okay. Where was Larry when the words were passed  
 8 between he and Tre?  
 9 A. **On the corner.**  
 10:56AM 10 Q. Where was Tre?  
 11 A. **Tre was on the balcony, on the porch.**  
 12 Q. Can you use the pointer and show the jury?  
 13 A. **He was at this apartment on the porch, on the**  
 14 **balcony. That's a balcony right there.**  
 15 Q. Okay. Was he standing up on that brick or standing  
 16 below it? If you remember,  
 17 A. **He was on the porch.**  
 18 Q. Okay. When you turned to look at Tre, did you see  
 19 anything in his hands?  
 10:56AM 20 A. **When they were coming out, yeah. A gun.**  
 21 Q. Okay.  
 22 A. **Him and somebody else. It was multiple shots fired.**  
 23 **Both parties that came out of there had a gun.**  
 24 Q. How many people did you see in that apartment that  
 25 night when you were hanging out there?

13

1 A. **The apartment was crowded. It was quite a few**  
 2 **people up there.**  
 3 Q. Okay, and you saw Tre, correct?  
 4 A. **Yes.**  
 5 Q. How were you able to recognize him in this crowd of  
 6 people?  
 7 A. **The patch.**  
 8 Q. And you're able to recognize him in this crowd of  
 9 people in the dark?  
 10:57AM 10 A. **Because of the patch, yeah.**  
 11 Q. Okay. So you see Tre with a gun and then you said  
 12 multiple shots were fired?  
 13 A. **Uh-huh.**  
 14 Q. Where were they fired and what did you do?  
 15 A. **They were fired right toward the direction of the**  
 16 **corner. I dropped to the ground, me and Felicia,**  
 17 **Dollar Bill. I believe Larry was hit at that point**  
 18 **because he came for him, but he took off kind of**  
 19 **like running.**  
 20 Q. Where?  
 21 A. **We ran one way. He ran another way.**  
 22 Q. Where did you run, if you can use this?  
 23 A. **Well, I was here. We ran back that way, which took**  
 24 **us behind the buildings. Larry was here. He ran**  
 25 **kind of like this and up.**

14

1 Q. Okay, and running around the buildings, is that  
 2 something you do?  
 3 A. **Yeah. It's when the police and shit come. You know**  
 4 **what I'm saying?**  
 5 Q. You can hide back there?  
 6 A. **Yeah, basically.**  
 7 Q. Okay. So you run behind the buildings and what's  
 8 the next thing that happens?  
 9 A. **Shots are still being fired, but we all come out.**  
 10:58AM 10 **I come out, up this way. See that opening right in**  
 11 **here?**  
 12 Q. Uh-huh.  
 13 A. **That's coming from behind the building. It's right**  
 14 **at the parking lot of where a church is.**  
 15 Q. Okay. I've got a diagram I want to show you. Can  
 16 you orient yourself on this map? This is north,  
 17 south. Olive, 29th, Prospect.  
 18 A. **Uh-huh.**  
 19 Q. Does that look familiar to you?  
 10:58AM 20 A. **Yes.**  
 21 Q. This is 29th and Olive right here I'm pointing and  
 22 this would be Fish Town up here.  
 23 A. **Right.**  
 24 Q. Do you see the church parking lot you're talking  
 25 about?

15

1 A. **Yes.**  
 2 Q. And can you use your pointer and show the jury?  
 3 A. **This is the lot here.**  
 4 Q. So can you--  
 5 Q. But we came from this way here.  
 6 Q. All right.  
 7 A. **From here to the alley, from the alley between, to**  
 8 **the house to right here, to here.**  
 9 Q. Okay. You might want to do that again because I was  
 10:59AM 10 in the way of a juror. I'm sorry, Wendy.  
 11 A. **We came from around this way, through the alley,**  
 12 **past the house, came out this way, on to the church.**  
 13 Q. Okay. Who is "we"?  
 14 A. **Me and Felicia.**  
 15 Q. Okay. So you get up to the church parking lot.  
 16 What do you hear?  
 17 A. **I hear. I don't know exactly what was said.**  
 18 **Something to the effect of, "Die, motherfucker.**  
 19 **You're going to die." Something like that. I can't**  
 11:00AM 20 **say word for word. I mean, you know, I was just**  
 21 **really still kind of spaced out about what was going**  
 22 **on.**  
 23 Q. Okay. So you're in the parking lot. Do you see  
 24 Tre?  
 25 A. **Yes, coming up on the victim. The victim had**

16

1 **already collapsed at Fish Town.**  
 2 Q. What direction was Tre coming from?  
 3 A. **From this way here.**  
 4 Q. Did you see him cross the church parking lot or  
 5 cross Prospect?  
 6 A. **Cross Prospect. I seen him cross Prospect. I**  
 7 **didn't see him cross the church parking lot.**  
 8 Q. Okay. So you pick up the action when he crosses  
 9 Prospect. Was anybody else with him?  
 11:00AM 10 A. **There was somebody behind him. I couldn't tell you**  
 11 **who it was.**  
 12 Q. Okay.  
 13 A. **And this area here is lighted, is lit up, but I**  
 14 **still couldn't tell you who it was with him. Like I**  
 15 **say, it was him because of the patch.**  
 16 Q. Okay. So you're in the parking lot. You see the  
 17 defendant and someone that you don't know come to  
 18 the parking lot. The victim is on the ground. What  
 19 do you see next?  
 11:01AM 20 A. **Tre raised the gun and shot him, says something to**  
 21 **the effect about, "You're going to die," something**  
 22 **like that, and shot him.**  
 23 Q. Okay. What did you do?  
 24 A. **Well, I start running again.**  
 25 Q. Which way?

17

1 A. **Back, back this way, but I went up that way instead.**  
 2 Q. Where did Dollar Bill go?  
 3 A. **I really couldn't tell you. At that point we kind**  
 4 **of separated. She may have jumped in a car or**  
 5 **something. I don't know. She could have went-- I**  
 6 **don't know. I was just on the go for myself at that**  
 7 **point.**  
 8 Q. Okay. What did you do? This happened. How did you  
 9 come in contact with the police?  
 11:01AM 10 A. **I'm on my way back to the house. Like I said, I was**  
 11 **standing on the lot. I was on my way back to the**  
 12 **house. The police come out of nowhere and tell me**  
 13 **they had a flag on me in the computer. Homicide**  
 14 **wanted me.**  
 15 Q. Okay. Did this happen the next day or several days  
 16 later?  
 17 A. **About two days later. Maybe two days later.**  
 18 Q. Would you disagree with me if I told you it was  
 19 October 14th?  
 11:02AM 20 A. **Would I disagree? No, I wouldn't disagree because I**  
 21 **mean it seemed like it was a couple days later. It**  
 22 **could have been a week later. I really don't know,**  
 23 **but, no, I wouldn't disagree with it.**  
 24 Q. Okay. So the police come up. Did you know the  
 25 officers who came up to you?

18

1 A. **Yeah, I knew the two officers.**  
 2 Q. And did you go with them voluntarily?  
 3 A. **Yeah.**  
 4 Q. And when you went downtown, did you make a  
 5 statement?  
 6 A. **Yeah. They asked me questions and, yeah, it was a**  
 7 **statement.**  
 8 Q. Did they do anything to get the statement from you?  
 9 A. **No.**  
 11:02AM 10 Q. After you made your statement, what did you do?  
 11 What happened after you were finished?  
 12 A. **They released me and I left.**  
 13 Q. Did you walk home?  
 14 A. **Yeah.**  
 15 Q. Where did you walk to?  
 16 A. **Back to Park.**  
 17 Q. All right. You're familiar with the area of 29th  
 18 and Olive. Are there any other black men out there  
 19 who wear an eye patch other than Tre?  
 11:03AM 20 A. **No.**  
 21 Q. Are there any other drug dealers that wear an eye  
 22 patch?  
 23 A. **No.**  
 24 Q. On that night did you see Tre with a gun?  
 25 A. **Yes.**

19

1 Q. Can you describe for the jury what the gun looked  
 2 like or what part of the gun you remember?  
 3 A. **All I remember is what appeared to be like a handle**  
 4 **part. I mean just like a handle part. It could**  
 5 **have been like a clip. It put me in the mind of**  
 6 **like a clip.**  
 7 Q. Okay, and when you were in the church parking lot,  
 8 looking across the street, is there any doubt in  
 9 your mind it was Tre shooting?  
 11:03AM 10 A. **No.**  
 11 Q. I don't have any further questions. Mr. Toney may  
 12 have some questions.  
 13 MR. TONEY: May it please the Court.  
 14 THE COURT: Mr. Toney.  
 15 **CROSS-EXAMINATION**  
 16 **BY MR. TONEY:**  
 17 Q. Miss Lockett, good morning.  
 18 A. **Good morning.**  
 19 THE COURT: Turn on your microphone,  
 11:04AM 20 Mr. Toney.  
 21 MR. TONEY: Okay. I'm sorry.  
 22 Q. (By Mr. Toney) All right. You and I have only met  
 23 this morning, correct?  
 24 A. **Correct.**  
 25 Q. The first time I've had an opportunity to talk to

20

1 you was about 30 minutes ago, correct?  
 2 **A. Correct.**  
 3 Q. You gave the statement to the police about two years  
 4 ago?  
 5 **A. Correct.**  
 6 Q. Okay. Now, in order to get you to come here, the  
 7 police had to issue a subpoena for you, correct?  
 8 **A. Yes.**  
 9 Q. And they brought you from the jail over here in  
 10 shackles, right?  
 11 **A. Correct.**  
 12 Q. Now let's go back to the night of or the day of  
 13 October 6, 2003. You were in that area, as you  
 14 said, doing business?  
 15 **A. Uh-huh.**  
 16 Q. Is that yes?  
 17 **A. Yes.**  
 18 Q. And your business was selling drugs, right?  
 19 **A. Yes.**  
 20 Q. And Larry White, who was also there, he was also  
 21 selling drugs, right?  
 22 **A. Correct.**  
 23 Q. And Felicia, who you call Dollar Bill, she was there  
 24 prostituting, right?  
 25 **A. She is a prostitute. She wasn't on the corner**

21

1 **prostituting at that particular moment, but, yes,**  
 2 **she is a prostitute.**  
 3 Q. Does she sell drugs or use drugs?  
 4 **A. Both.**  
 5 Q. Do you ever supply her with drugs?  
 6 **A. Do I supply her?**  
 7 Q. Yes.  
 8 **A. No.**  
 9 Q. You've never given her any drugs?  
 10 **A. Oh, yeah. We exchanged hits before, yes.**  
 11 Q. So you've given her cocaine?  
 12 **A. Yes.**  
 13 Q. Crack cocaine?  
 14 **A. Yes.**  
 15 Q. And on the day in question, the 6th of October, you  
 16 had been smoking crack cocaine that day, correct?  
 17 **A. That morning, yes.**  
 18 Q. You indicated to me you probably smoked about an  
 19 eighth of an ounce or what's called an eight ball.  
 20 **A. Yes.**  
 21 Q. How much does an eighth of an ounce of crack cocaine  
 22 cost?  
 23 **A. Anywhere from 80 to a hundred dollars.**  
 24 Q. And so what was your daily crack habit at that time?  
 25 **A. I don't. I can't say I have a daily crack habit**

22

1 **because some days I don't smoke it at all. My drug**  
 2 **of choice is marijuana, but when I'm interacting,**  
 3 **probably about an eight ball.**  
 4 Q. Per day?  
 5 **A. When I'm interacting, yes.**  
 6 Q. And you also use marijuana also?  
 7 **A. Yes.**  
 8 Q. And you also drink?  
 9 **A. No, I don't drink.**  
 10 Q. Okay, but you do use crack and you do use marijuana?  
 11 **A. Yes.**  
 12 Q. And on that day you had done at least an eight ball?  
 13 **A. That morning, yes.**  
 14 Q. Now, you said that you were standing on the corner,  
 15 yourself, Dollar Bill, and some guy named Red?  
 16 **A. Correct.**  
 17 Q. And do you know where Red is now?  
 18 **A. I have no idea.**  
 19 Q. Can you give me any description of who Red is?  
 20 **A. Yes. Red is medium height, a light-skinned guy.**  
 21 Q. Black male?  
 22 **A. Black male, yes.**  
 23 Q. And he would have been out there to see what  
 24 happened, correct?  
 25 **A. I couldn't actually say he had seen it because as**

23

1 **the confrontation first started, he turned around to**  
 2 **leave.**  
 3 Q. So you say there was a confrontation between Larry  
 4 and Tre?  
 5 **A. Arguing.**  
 6 Q. Was Tre on the porch when they were having this  
 7 confrontation or did he come off the porch?  
 8 **A. It started he was on the porch first.**  
 9 Q. Then he came off the porch?  
 10 **A. Yeah.**  
 11 Q. Okay, and you said that there was another individual  
 12 who came off the porch with him?  
 13 **A. Correct.**  
 14 Q. And that other individual had a gun, correct?  
 15 **A. Both parties did, yes.**  
 16 Q. And as the person came off, as the two people came  
 17 off the porch, you say they both had weapons?  
 18 **A. Correct.**  
 19 Q. And then you say there was some shooting that took  
 20 place?  
 21 **A. Correct.**  
 22 Q. And both people were shooting?  
 23 **A. Correct.**  
 24 Q. And so you say that Larry was then shot while you  
 25 were standing on the corner?

24

1 A. **I said I believe.**  
 2 Q. You believe he was shot?  
 3 A. **He could have been hit because he made a moaning**  
 4 **sound, you know.**  
 5 Q. And so you don't know which one of those people shot  
 6 him?  
 7 A. **At that point, no, sir.**  
 8 Q. Okay. So then you take off running?  
 9 A. **Yes.**  
 11:09AM 10 Q. You go behind the building?  
 11 A. **Yes.**  
 12 Q. So would it be fair to say that you lost sight of  
 13 the action while you were going behind the  
 14 buildings?  
 15 A. **Possible.**  
 16 Q. Okay. Well, let's go over here to Exhibit No. 4.  
 17 You're standing on this corner here, correct?  
 18 A. **Uh-huh.**  
 19 Q. Is that a yes?  
 11:09AM 20 A. **Yes.**  
 21 Q. And you take off going this way?  
 22 A. **Right.**  
 23 Q. And you go behind the building?  
 24 A. **Yes.**  
 25 Q. So if Larry is over here, you can't see through

25

1 these buildings, can you?  
 2 A. **No, sir.**  
 3 Q. So you lost sight of him, right?  
 4 A. **Right.**  
 5 Q. Okay, and so you don't know what direction he goes  
 6 here, do you?  
 7 A. **No.**  
 8 Q. You didn't see him?  
 9 A. **No, sir, I didn't.**  
 11:09AM 10 Q. Now you run this way?  
 11 A. **Right.**  
 12 Q. All right, and then you say you cross over, through  
 13 this?  
 14 A. **Yes.**  
 15 Q. These people's backyard?  
 16 A. **That's just like an alley.**  
 17 Q. Go across the alley?  
 18 A. **Yeah, through the backyards.**  
 19 Q. Through the backyards?  
 11:10AM 20 A. **Yeah. The house is abandoned.**  
 21 Q. So you come through there and go to Wabash?  
 22 A. **Yes.**  
 23 Q. You're running?  
 24 A. **Yes.**  
 25 Q. And Felicia is running with you?

26

1 A. **Yes.**  
 2 Q. And you're saying that when you left from here,  
 3 Larry was running?  
 4 A. **Yes, up 29th.**  
 5 Q. Up 29th Street?  
 6 A. **Yes.**  
 7 Q. So he's running in a straight line and you're going  
 8 like behind the houses and over fences and stuff  
 9 like that? Is that right?  
 11:10AM 10 A. **There were no fences, but yes, sir.**  
 11 Q. So you're going back through here, correct?  
 12 A. **I'm coming straight back, straight up.**  
 13 Q. This way?  
 14 A. **Yes.**  
 15 Q. Through the vacant lot?  
 16 A. **Yes.**  
 17 Q. Across the alley. When you get to Wabash, you cross  
 18 Wabash?  
 19 A. **Hit the lot.**  
 11:10AM 20 Q. There's a lot here, correct?  
 21 A. **Correct.**  
 22 Q. And the church is right here?  
 23 A. **No.**  
 24 Q. All right. The church is where?  
 25 A. **The church is there.**

27

1 Q. Okay. So now you've gone from Olive to Wabash.  
 2 You've got to get all the way up to Prospect, right?  
 3 A. **It's a straight shot.**  
 4 Q. I understand, but it's at least three blocks,  
 5 correct?  
 6 A. **No, not three blocks.**  
 7 Q. Okay. Well, start on Olive. That's one block.  
 8 From Wabash to there, that's--  
 9 A. **To Prospect is two.**  
 11:11AM 10 Q. Two blocks, okay. Stand corrected. Go two blocks?  
 11 A. **Correct.**  
 12 Q. All right, and you're saying that Larry took off  
 13 running straight down this way?  
 14 A. **Larry took off coming here.**  
 15 *(The witness demonstrated with the laser*  
 16 *pointer.)*  
 17 Q. Okay.  
 18 A. **As we came from here, Larry had cut this way.**  
 19 Q. So Larry is going behind this house here?  
 11:11AM 20 A. **Yes.**  
 21 Q. Do you see Larry run through this lot?  
 22 A. **Yeah. You know, honestly, I didn't know it was him**  
 23 **at first, but, yes, he came through the lot.**  
 24 Q. And so you don't know who was running through that  
 25 lot?

28

1 A. **He came. I didn't know it was him at first. He was**  
 2 **the only person outside of me and Felicia. He was**  
 3 **the only person running through the lot.**  
 4 Q. So he runs through the lot?  
 5 A. **Yeah.**  
 6 Q. And do you see--  
 7 A. **Across the street to Fish Town.**  
 8 Q. Let me ask the question. Do you see people chasing  
 9 him?  
 11:12AM 10 A. **No.**  
 11 Q. So he runs through the lot and you see him, as you  
 12 say, get to 2831 Prospect, which is Fish Town right  
 13 here?  
 14 A. **Yes.**  
 15 Q. And he collapses?  
 16 A. **Yes.**  
 17 Q. Okay, and you're over here in this by the church?  
 18 A. **I'm right here. I'm right in there.**  
 19 Q. You're in the lot by the church?  
 11:12AM 20 A. **I'm in the lot by the church.**  
 21 Q. Okay. Now when Larry collapses, do you see people  
 22 run up behind him?  
 23 A. **Not directly behind him. What I saw, when he come**  
 24 **through here and come here and fall, people were**  
 25 **coming through here. Two people come from here to**

29

1 **there.**  
 2 Q. Now those people, what were they wearing?  
 3 A. **Tre had on black.**  
 4 Q. What did the other person have on?  
 5 A. **He had on-- It could have been dark blue or black.**  
 6 Q. Black also?  
 7 A. **Yes.**  
 8 Q. Did they both have on hoods?  
 9 A. **No.**  
 11:13AM 10 Q. Did either one of them have on a hood?  
 11 A. **Yes.**  
 12 Q. Who had on a hood?  
 13 A. **Tre did.**  
 14 Q. And so from the back, he had on a hood?  
 15 A. **He had on a hooded sweatshirt.**  
 16 Q. Was the hood over his head?  
 17 A. **No, it was not.**  
 18 Q. It was down?  
 19 A. **Yes, it was.**  
 11:13AM 20 Q. So as you get up to that corner, you're in the lot.  
 21 You see these people run over to the person you say  
 22 is laying on the ground?  
 23 A. **Yes.**  
 24 Q. Do they have their back to you?  
 25 A. **Yes.**

30

1 Q. So both of those people had their back to you?  
 2 A. **Yes.**  
 3 Q. Okay. Then you say you observed one of those people  
 4 take a gun and stand over this guy--  
 5 A. **Yes.**  
 6 Q. --and shoot him?  
 7 A. **Yes.**  
 8 Q. Standing right over him?  
 9 A. **Yes.**  
 11:14AM 10 Q. What was the other person doing?  
 11 A. **Standing there.**  
 12 Q. It's your testimony that the person standing over  
 13 him was the defendant?  
 14 A. **Yes, it was, because he turned around.**  
 15 Q. So according to you, Miss Lockett, the first shots  
 16 are fired when Larry is standing on the corner of  
 17 29th Street?  
 18 A. **That's when the first shots were fired, yes.**  
 19 Q. As you're running behind the building, do you hear  
 20 other shots being fired?  
 11:15AM 21 A. **No, sir.**  
 22 Q. No other shots?  
 23 A. **None.**  
 24 Q. So the only shots, according to you, were the ones  
 25 fired on the corner--

31

1 A. **Uh-huh.**  
 2 Q. --and then no other shots are fired until up at Fish  
 3 Town?  
 4 A. **Correct.**  
 5 Q. Okay. So you never heard multiple shots like 10,  
 6 12 shots being fired?  
 7 A. **In the beginning there were multiple shots.**  
 8 Q. Only in the beginning?  
 9 A. **Only in the beginning.**  
 11:16AM 10 Q. When they're standing down here?  
 11 A. **Yes.**  
 12 Q. Okay. After that you say, it's your testimony,  
 13 that the only other shots came up there?  
 14 A. **Yes.**  
 15 Q. And how many shots was that?  
 16 A. **One.**  
 17 Q. Just one shot?  
 18 A. **Yes.**  
 19 Q. Not five?  
 11:16AM 20 A. **No.**  
 21 Q. Not ten. Just one?  
 22 A. **One.**  
 23 Q. Okay. I don't have any other questions, Your Honor.  
 24 Thank you.  
 25 MS. PARSONS: No questions, Your Honor.

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1 THE COURT: Thank you. You may step down.  
2 (Witness excused.)  
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1 **REPORTER'S CERTIFICATE**  
2

3 I, Patricia A. Manners, Certified Court  
4 Reporter, certify that I am the official court  
5 reporter for Division 11 of the Sixteenth Judicial  
6 Circuit of Missouri, at Kansas City, Missouri; that  
7 on Wednesday, April 20, 2005, I was present and  
8 reported all of the proceedings in Division 70 in  
9 STATE OF MISSOURI, Plaintiff, vs. KEITH L. CARNES,  
10 Defendant, Case No. 16CR03006321. I further certify  
11 that the foregoing 33 pages contain a true and  
12 accurate transcription of the proceedings regarding  
13 the testimony of Wendy Lockett.  
14  
15  
16  
17

18 \_\_\_\_\_  
Patricia A. Manners, CCR 320  
19

20 Prepared July 22, 2005  
on behalf of Mr. Willis Toney.

21 Copy ordered 8/23/05 by Ms. Dawn Parsons.  
22 Copy prepared 8/26/05. (\$34.00)  
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